S.B. CR.MISC.BAIL APPL.NO.7238/2007.
Avinash alias Sitaram Vs. State
Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Praveen Jain for the petitioner.
Smt. Nirmala Sharma PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that petitioner has been added as an accused during the course of investigation. Originally, as many as six accused were named in the first information report, all of whom have been enlarged on bail by the co-ordinate Bench of this Court. Co-accused Manish, Pramod, Chanchal, Sunil, Mukesh Yogi, Neeraj @ Bunti, Om Prakash S/o Moti Lal, Om Prakash S/o Ramvilas and Hemraj Katariya have been enlarged on bail under Section 439 Cr.P.C., whereas co-accused Sant Ram and Mukut have been enlarged on bail under Section 438 Cr.P.C.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioner, he is not entitled to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the

aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Avinash @ Sitaram S/o Permanand shall be released on bail in F.I.R. No.171/2006 P.S. Duni, District Tonk for offences under Sections 420, 467, 468, 471 and 120B IPC subject to his furnishing a personal bond in the sum of Rs.50,000/- together with two sureties in the sum of Rs.25,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is found committing similar offence in future again, the bail granted to him by this Court, shall be liable to be cancelled on prosecution moving to the trial court for cancellation of his bail on this ground alone.

(MOHAMMAD RAFIQ), J.

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